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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:20-cr-00216-BR

v.

**GOVERNMENT’S SENTENCING
MEMORANDUM**

BENJAMIN BOLEN,

Defendant.

INTRODUCTION

Defendant shined a high-powered green laser at a uniformed federal special agent while the officer was engaged in his official duties of providing security at the Mark O. Hatfield Courthouse. By plea agreement, the parties jointly recommend that the Court impose a one-year term of probation.

FACTUAL BACKGROUND

A. The Offense Conduct

In the early morning hours of July 13, 2020, defendant shined a high-power green laser light at a uniformed federal special agent, Adult Victim 1 (AV1), while AV1 was working as a member of the security team for the Mark O. Hatfield Courthouse. AV1 was using binoculars

when the green laser struck the lens for approximately three to five seconds. AV1 suffered vertigo-like effects for 30 minutes after the green laser struck his eyes and headaches throughout the night and morning.

Two federal special agents wearing plain clothes observed the defendant shining the laser at AV1 and bragging about it. The plain-clothes special agents took photos of the defendant, which were later shown to AV1. AV1 positively identified the individual in the photos as the individual that had shined a green laser at him. Defendant was apprehended without incident.

B. The Charge

On July 13, 2020, defendant made his initial appearance and was released on conditions. (ECF Nos. 4 and 5). On September 13, 2021, defendant pleaded guilty to a single count Information charging Assault on a Federal Officer. (ECF No. 25).

C. The Plea Agreement & Guideline Computations

Defendant agreed to plead guilty to one count of Assault on a Federal Officer. The government will, subject to the limitations set forth in the agreement, recommend that defendant receive a two-level reduction for acceptance of responsibility.

The government agrees with the following PSR computations:

Base Offense Level (USSG § 2A2.4):	10
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Adjustments

Acceptance of Responsibility (USSG § 3E1.1):	<u>-2</u>
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Total Offense Level:	8
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The government agrees with Probation's computation of one criminal history point, putting defendant in Criminal History Category I.

DISCUSSION

In accordance with the plea agreement, the parties recommend the Court impose a guideline sentence of a one-year term of probation. The parties' recommendation reflects the seriousness of the offense and takes into account the need to provide just punishment and afford adequate deterrence to criminal conduct while satisfying the requirement of 18 U.S.C. § 3553(a) as a "sentence sufficient, but not greater than necessary" to meet the purposes of § 3553(a)(2).

CONCLUSION

Based on the foregoing, the parties jointly recommend that the Court impose a one-year term of probation, subject to the standard conditions, plus the special conditions recommended by the Probation Office, and a \$25 fee assessment.

Dated: January 5, 2022.

Respectfully submitted,

SCOTT ERIK ASPHAUG
United States Attorney

/s/ Ashley R. Cadotte
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Assistant United States Attorney